

**BOROUGH OF WESTWOOD
WORK MEETING OF THE MAYOR & COUNCIL
MAY 3, 2011 MINUTES
MUNICIPAL COMPLEX
101 Washington Avenue
7:30 PM Executive Closed Session/8:00 pm Work Session**

1. Opening of the Meeting:

The meeting was called to order by Mayor Birkner at 7:30 pm. Mayor Birkner then read the Open Public Meetings Law Statement: "This meeting which conforms with the Open Public Meetings law, Chapter 231, Public Laws of 1975, is a regular Borough Council meeting. Notices have been filed with our local official newspapers and posted on the municipal bulletin board."

2. Roll Call:

Mayor Birkner – Present
Councilmember Grefrath - Absent
Councilmember Phayre - Present
Councilmember Quinn - Present
Councilmember Sciara - Absent
Councilmember Waneck - Present
Council President Miller - Present
Borough Administrator Hoffmann – Present
Borough Attorney Huntington - Present
Borough Clerk Hughes - Present

Committee Assignments:

Finance, Administration & Capital Projects
Public Properties
Health & Recreation
Fire & Ambulance
Land Use
Police & OEM

3. Resolution #11 - 105: Executive Closed Session

Motion: Council President Miller Second: Councilmember Quinn

Roll Call: Councilmember Grefrath – Absent	Councilmember Phayre - Yes
Councilmember Quinn – Yes	Councilmember Sciara - Absent
Councilmember Waneck – Yes	Council President Miller – Yes

4. Reopen the Meeting:

Motion to reopen the meeting: Council President Miller Second: Councilmember Phayre

Voice Vote: A voice vote was taken with all present voting in the affirmative.

The time was 8:15 pm.

5. Roll Call II:

Mayor Birkner – Present
Councilmember Grefrath - Absent
Councilmember Phayre - Present
Councilmember Quinn – Present
Councilmember Sciara – Absent, arrived 9:02 pm
Councilmember Waneck - Present
Council President Miller - Present
Borough Administrator Hoffmann – Present
Borough Attorney Huntington - Present
Borough Engineer Senkevich - Present
Borough Clerk Hughes – Present

6. Flag Salute

Mayor Birkner led those present in the salute to the flag.

7. Flood Presentation

Mayor Birkner asked Dr. Boswell to give a presentation on flooding. Dr. Boswell reviewed statistics on the recent rainfalls. He also discussed how the dam at the Woodcliff Lake Reservoir operates. A copy of the slide show he presented is attached.

Mayor Birkner asked how many minutes or hours it takes for an event to reach flood stage. Dr. Boswell said that while there is a specific minute where the situation crosses into the flood stage, from the start of the storm it takes hours. Mayor Birkner asked how long it takes for the bascule gates at the reservoir to rise from the starting 91 feet to the 94 ¼ feet point where water is released. Dr. Boswell estimated that in one instance it took three hours.

Mayor Birkner referenced a letter from United Water dated 1997 where they stated they are making every reasonable effort to lower the reservoir to 88 feet in advance of a rainfall. Mayor Birkner asked Dr. Boswell if United Water had lowered the reservoir to 88 feet prior to the recent rainfall, would there have been a flood event. Dr. Boswell responded that there may not have been a flood. There would have been three more feet of storage which would have handled 3 inches more of rain. He explained that the reservoir can be lowered about one foot per 24 hours. One inch of rain equals about one foot of water in the reservoir, depending on ground conditions. The lower the reservoir to start, the more protection from flooding. Dr. Boswell noted that at 88 feet the reservoir would be rather empty.

Councilmember Sciara arrived at 9:02 pm.

Councilmember Phayre commented that there are concerns about the type of monitoring equipment United Water uses for the dam. Dr. Boswell stated it is all automatic and all run out of the Haworth office. There is a 24 hour monitor over the computer system, so it is watched 24/7. The bascule gates were operated in the same manner in all three storms.

Councilmember Quinn asked if the flood plain is a separate issue. Dr. Boswell said the flood plain has nothing to do with the reservoir. It is based on topography. When the Pascack Brook hits a surface water elevation of 5 feet it will flood.

Mayor Birkner observed that during the March 10-11 storm the brook came right up to flood stage but the Borough did not get flooding. Dr. Boswell noted that because the rain fell more gradually the gates were able to manage the discharge. The level of the reservoir had been above 91 ft due to the previous storm, but had been lowered back down over the course of several days. Mayor Birkner noted that once the reservoir reaches 95 ¼ feet in a storm, the bascule gates maintain that level and are not lowered during the storm. Dr. Boswell said that is correct. The storm statistics show that at no time did discharge from the reservoir ever exceed the input into the reservoir. If the bascules were lowered the amount leaving would exceed the amount coming in. The water over the gates in the days before the March 10-11 storm was the draining to bring the level back to 91, which is where it has been maintained for 12 years.

Council President Miller asked Dr. Boswell where a solution stands. Dr. Boswell has had conversations with United Water. He asked if they are amenable to looking at those parameters, which they are. Now it's a matter of accumulating data in order to determine whether the level can be at less than 91 feet without affecting water supply or inadvertently making the flooding worse. Mayor Birkner said he has data from 1997 where United Water has stated they will lower the reservoir to 88 feet. He suggested a resolution calling on United Water to hold to their longstanding documented agreements that they will lower the gates below 91. He believes these flooding events could have been mitigated if these gates were lower. Mr. Huntington asked if a study is necessary to determine if the level can be reduced to 88 feet without running out of water. Dr. Boswell said they would have to do that, not Westwood. Council President Miller asked if the study requires unique information. Dr. Boswell said there is no reason it could only be done by them, but getting the data is expensive since it requires a cross section survey of the brook.

Councilmember Phayre noted the water level is more important in the summer months and asked if there are parameters for lowering the reservoir in busy months. Dr. Boswell said in the busy months it is kept close to full. Councilmember Phayre asked if there is a plan based on forecasts. Dr. Boswell said yes, but it is at the mercy of the forecasters. Councilmember Phayre mused that it couldn't hurt to get more educated on their decision process.

Mr. Hoffmann asked if the data from the cross section study could be used to formalize banks to prevent flooding in the future. Dr. Boswell said it can be used for permits in future for dredging, stabilizing banks, etc. Councilmember Waneck asked how long it is valid. Dr. Boswell said it is hard to say how long it would be valid it since the information does change based on erosion.

Councilmember Sciara wondered whether by constantly overfilling a swimming pool and damaging the neighbors' property, he would be liable. Mr. Huntington said yes. Councilmember Sciara then asked why can't there be a suit against United Water. Mr. Huntington said it has been tried, but no one has succeeded in proving it is United Water's fault. He believes when you require them to manage an asset under threat of lawsuit, it is different than the pool scenario. Through the efforts United Water makes they do provide some measure of flood protection, and no one can prove that they have negligently made it worse.

Motion to open for Public Comment: Council President Miller

Second: Councilmember Waneck

Voice Vote: A voice vote was taken with all present voting in the Affirmative.

Carolina Marin, 19 Union Place – discussed flood management. Ms. Marin believes the owner of the dam is responsible for the property downstream if there is damage from the water release that would not have otherwise occurred. She said in 2007 there was a joint meeting with Hillsdale and United Water. The information at that time was exactly what she is hearing tonight. Ms. Marin asked what the neighbors and the municipalities need to do to change things. The reasonable effort of United Water is not enough.

Rod Cassidy, 132 Harding Avenue - agreed that keeping the reservoir level at 88 feet is key. Mr.

Cassidy noted that at the last meeting he asked for a flood progress report. Mayor Birkner responded that information was immediately posted on the website, and more information is being added to that. There will be a monthly article in My Westwood. The Task Force is meeting on Thursday for a planning session on the cooperative desilting and desnagging project. Mayor Birkner said as he has stated before that committee was established to make sure United Water, environmental advocates, and other municipalities are all on board. Mayor Birkner will bring the resolution being adopted tonight to the Pascack Valley Mayors meeting next Wednesday for their action as well. Mr. Cassidy would like to have United Water attend a meeting. He pointed out that another issue is the condition of the Paterson Street bridge in Hillsdale.

Karen Chase, 80 Harding Avenue – questioned Dr. Boswell's affiliation with United Water. Dr. Boswell affirmed that he has no affiliation with United Water. Ms. Chase asked how the two items would be addressed. Dr. Boswell noted that there would be a resolution for the first item, and as for the study it would be up to the Borough to discuss it with United Water. Ms. Chase emphasized that work must start all the way up the brook. Mayor Birkner said that is already established.

Gloria Batiagi, Hillsdale – asked if all the towns can get together all do a resolution to pressure United Water. Mayor Birkner said the municipalities can, will and have. Westwood is working with all the municipalities along the brook, the DEP, and United Water to mitigate the impact on downstream municipalities.

Carolina Marin, 19 Union Place – asked if any study has been done on the costs of the effects of the flooding on residents. Mayor Birkner said he is not aware of any such study. Ms. Marin feels that supporting the case with financial figures would help.

Frances Yates, 72 Harding Avenue - asked if desilting and desnagging is still dependent on the spawning season, which Dr. Boswell confirmed. Ms. Yates believes the desilting will add to the buffer, and give more capacity to the brook. She pointed out the timing issue due to spawning season. Dr. Boswell replied that spawning affects the work that needs a permit, but manual work can be done without a permit. Ms. Yates asked if work will start sometime in the next two months. Mayor Birkner said there is no timeline yet, but he does have the hope. Ms. Yates suggested obtaining permission from residents to access the stream in advance. She noted the Kmart ditch needs to be cleaned as well. Mayor Birkner reiterated the joint efforts of the municipalities, the DEP, the environmental organizations, and United Water, which was begun long before the March 6 storm.

Motion to close the Public Comment: Councilmember Phayre

Second: Councilmember Waneck

Voice Vote: A voice vote was taken with all present voting in the affirmative.

Resolution #11 - 106: Calling for the Adoption of a Water Management Plan for the Woodcliff

Lake Reservoir

Motion to adopt Resolution #11-106: Councilmember Waneck

Second: Council President Miller

Roll Call: Councilmember Grefrath – Absent	Councilmember Phayre - Yes
Councilmember Quinn – Yes	Councilmember Sciara - Yes
Councilmember Waneck – Yes	Council President Miller – Yes

Councilmember Sciara commented that the plan should be for a continuous desilting and desnagging program. Mayor Birkner said that is exactly what is going to be discussed by the Task Force.

There was a brief recess in the proceedings at this time in order for those wishing to leave to do so.

8. Reports of Committees and Officials:

A) Mayor's Report

1) Memorial Day Poppies

Mayor Birkner announced that the American Legion has requested to distribute poppies in Westwood from May 1-29. The Borough Clerk will issue the permit.

2) HUMC

Mayor Birkner reported that last week two judges denied motions by Valley and Englewood Hospitals to defeat the Certificate of Need. The Certificate of Need process continues as planned. The application will be submitted by HUMC on or before June 1. There will be completeness questions during the 2-3 month review process, after which the application will be remanded to the State Health Planning Board. Mayor Birkner anticipates there will be only one public hearing due to the overwhelming public support for the application. The hearing will most likely be held in Trenton but could be held in the Westwood area. A decision from the State Health Planning Board will be given to the Commissioner of Health in the beginning of November, who will either support or deny the decision.

3) Mayors Waterway Task Force

Mayor Birkner noted that the planning meeting for the Waterway Task Force will be on Thursday May 5th. The brook walk will be held Friday, May 13th.

4) Westvale Park

The Westvale steering committee has met and come up with items to address, which Mayor Birkner advised will be under the Administrator's report. He asked Dr. Boswell when a walk through could be scheduled to see what is outstanding. They set the date as May 10th at 3:30 pm. Mayor Birkner announced that the dog run is open. On Monday, the construction fencing will be removed and the bike path will be open. The final plumbing inspection to open the rest rooms is scheduled for Thursday. Council President Miller asked if fields will be

accessible. Mayor Birkner said there will be no organized playing at this point. The small fields need one more cutting before small children can play organized sports. The large fields are closed until August. Council President Miller asked for something in writing from Let It Grow saying the fields can't be harmed due to premature usage. Mr. Hoffmann has asked Let It Grow for that, and the owner said he would put something in writing after the fourth mowing. Council President Miller requested fences remain up until the letter is received. Mr. Hoffmann pointed out that the fences belong to Let It Grow. Council President Miller said those fences protect the field, and he does not want to risk the fields. Mayor Birkner said it is his understanding that that after the fourth cutting it would be okay. Council President Miller wants the fences up until that is received in writing. Councilmember Sciara agreed that he wants in writing that Let It Grow is liable to damage for the fields if the fences come down.

B) Engineer's Report

1) Bi-weekly Report

Dr. Boswell reviewed the bi-weekly report, a copy of which is attached.

2) Pascack Brook Sewer Pipe Repair

Councilmember Waneck asked whether the deep tire tracks at the Bird Sanctuary were from the sewer pipe contractor. Dr. Boswell was not aware of it. Mr. Hoffmann will look into the matter.

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects:

a) Policy Discussions: library

In the absence of Councilmember Grefrath, Councilmember Waneck introduced the policy discussions. She presented her report on the library, a copy of which is attached. Councilmember Waneck noted that Westwood is one of the few municipalities that provide services to the library free of charge, as well as contributing to the library budget above the required third of a mil. Doing so cost the Borough in the cap levy. Councilmember Waneck proposed incrementally decreasing the amount the Borough contributes until it is just the third of a mil, and suggested beginning at 5% yearly. She asked for comments from the Library Director and President of the Library Board.

Martha Urbiel, Library Director – commented that while a third of a mil is the minimum standard, it does fluctuate, which makes it hard to budget yearly. Ms. Urbiel explained that the library has kept to a zero budget increase other than funding for the staff. The library has seen an increase in visitors despite electronics.

Dennis Farrell, President, Library Board – noted that the library is a gem, but he can't see paying the State in order to give the library more money. Mr. Farrell hopes a new formula

can be worked out.

Council President Miller asked if new the HVAC system will generate measurable savings. Mr. Hoffmann said yes. Council President Miller asked Mr. Hoffmann to relay those savings to the library. Council President Miller assumes charging back for health and social security is typical and appropriate. Councilmember Waneck said it is typical. Council President Miller wants to identify savings in capital investments that might help offset these things.

Councilmember Quinn advised that the Library Board is working on a strategic plan to provide service while being fiscally responsible. Everyone agrees it is a gem and a service to the community. Councilmember Quinn wants to see if a 5% reduction is too much or not enough. Councilmember Waneck believes Ms. Urbiel made a valid point, that it is hard to budget based on the yearly fluctuation in the third of a mil. This year third of a mil went up. The better the town does the better the library does. Councilmember Waneck thinks a sliding scale for the amount above a third of a mil might keep the library on more of an even platform.

Councilmember Phayre asked about third of mil in relation to the BCCLS system. Ms. Urbiel explained that a municipal library must receive the third of mil to be in the BCCLS system.

Council President Miller reiterated his request for the energy savings information. Mr. Hoffmann clarified that he can give information on savings for the kilowatt improvements, but the HVAC is not yet installed. The work scheduled to start May 9.

2) Police and OEM:

a) Accreditation Savings

Council President Miller announced that the JIF will be extending the Borough a 5% savings on auto and general liability insurance due to the accreditation. This is a savings of \$4,675.

3) Fire and Ambulance:

a) Fire Department Update

Councilmember Sciara announced that the Fire Department is sponsoring a boater safety course in May. The cost is \$65, and you must attend both nights to certify.

Resolution #11 - 107: Westwood Volunteer Fire Department – Matters of Personnel

Motion to adopt Resolution #11-107: Councilmember Sciara Second: Councilmember Phayre

Roll Call: Councilmember Grefrath – Absent	Councilmember Phayre - Yes
Councilmember Quinn – Yes	Councilmember Sciara - Yes
Councilmember Waneck – Yes	Council President Miller – Yes

b) Train Station Security Cameras

Councilmember Sciara said the Heritage Society has requested signage for the surveillance cameras at the train station due to liability concerns. Mr. Huntington will get back to Councilmember Sciara with appropriate language.

4) Public Properties:

a) DPW Update

Councilmember Phayre announced that the two day garbage collection has returned for the season. Grass pickup is also underway.

Councilmember Phayre has been doing weekly rides with the DPW Superintendent to observe how the DPW functions.

5) Land Use:

a) Environmental Committee Update

Councilmember Waneck explained the issue the Environmental Committee is facing with the water turbine permitting through the DEP. She will speak with the DEP on it during the tour of the brook. The Environmental Committee has also run into a stumbling block with identifying property for a community garden. None of the Borough lots seem appropriate. They have asked community groups and churches with no success.

Councilmember Waneck announced that the Environmental Committee has purchased four rain barrels, one of which she displayed. Two of the barrels will be installed at Borough Hall to collect water for the grass. Two larger barrels are still on order, one of which will be installed at the Library for watering the garden and lawn. She suggested the other could be used by the Ambulance Corps for washing their vehicles. The rain barrel will be a centerpiece at the Environmental Table on Westwood Pride Day.

b) Master Plan Update

The Planning Board continues reviewing the Master Plan. The LB zones and cemetery zone are finished. The application for the daycare on Kinderkamack Road has passed. A traffic study helped sway the board in favor of it. Councilmember Waneck pointed out that there will be rain gardens and greenery in front of the property, with a playground in back. She believes this will be a great project to jump start the area, and a great reduction to impervious surface in the area.

6) Health and Recreation:

a) Westvale Park

Councilmember Quinn noted that there is an opening in the fence at the back of the dog park. Councilmember Waneck said that is a maintenance gate that needs to have a lock

installed. Councilmember Quinn also noted that a few items for the benches still needed installation.

b) Library Update

Councilmember Quinn commented that the library is looking to be active participants to better manage finances. The library survey is still available on line for those who haven't yet taken it.

The annual Taste of Westwood will be held June 5 at the library. The Chamber of Commerce joins with the library to make it an enjoyable evening

D) Attorney's Report – no report.

E) Administrator's / Clerk's Report

1) Westvale Steering Committee Update

Mr. Hoffmann reported on the Westvale steering committee meeting held earlier in the day. Items discussed included soft opening for the dog run; people driving through the DPW area to access the fields; handicapped parking spots; and fencing to delineate Westvale from the DPW. He noted that Mr. Woods had obtained quotes for the handicapped parking and the fencing. Councilmember Waneck stated that this was not budgeted. Mr. Hoffmann said it was not, but funds are available in the joint ordinance. Councilmember Phayre asked if the fencing would need to be bid. Mr. Hoffmann said fencing was bid in 2010 for three years.

Council President Miller asked why this was not raised in the budget process. Mr. Hoffmann clarified that it was raised by the steering committee. Council President Miller asked why it was not in the budget process. Mr. Hoffmann said it wasn't thought of. Council President Miller emphasized that there are no funds except for the bond, which increases debt.

Mayor Birkner pointed out that additional grant funding has been received. Council President Miller believes it is allocated for the playground. Mayor Birkner believes the fence delineating properties is important. It restricts unauthorized access. Council President Miller doesn't disagree with the appropriateness. He explained that the Borough made a conscious decision to commit \$123,000 to the playground. If that is not done then it's a different decision. Mayor Birkner pointed out there is an additional \$113,000 from Open Space. Councilmember Waneck noted the Borough is waiting for money for Veterans Park.

Councilmember Phayre said this is a fencing issue with the DPW for years as well as being park related. Mayor Birkner agreed it is related to both, while Councilmember Phayre said it enhances both. Mayor Birkner emphasized that it would create a safety barrier.

Councilmember Waneck commented that the Borough can't afford to do it all. Mayor Birkner believes it is important to make sure the facility is safe and access is limited to specific areas. It is not a matter of what's more important; this is important to the project as a whole.

The commitment to the playground is not questioned nor moved down on the list of priorities. Mayor Birkner advised that the steering committee had a conversation about the

playground earlier today. The fence can be done in short order; the playground installation is complicated. Meanwhile the fence will protect against damage. Council President Miller said the priority should be to finish the playground and identify what's left. Mayor Birkner said the priority is the safety of residents and the park. Council President Miller wants the full financial magnitude of the playground determined before installing the fence. Councilmember Phayre asked when that would be known. Mayor Birkner responded in 2-3 months.

Mr. Hoffmann clarified that the steering committee was formed to identify loose ends and follow up. This was part of the direction to identify things to be done at Westvale and bring them to the Governing Body's attention. Councilmember Waneck said the impression is to approve the fence and handicapped parking tonight.

Councilmember Quinn said she noted at the steering committee meeting that the Governing Body would be surprised by this. As loose ends are wrapped up there will be unanticipated costs. It will be up to the Governing Body to say if these items should be done or not. There may be costs to the playground that will be above what was anticipated. Council President Miller said to resolve the playground first. Councilmember Sciara wondered if based on the dates on the estimates for the fencing and the parking whether they could have been brought to the Governing Body sooner. Mayor Birkner said it is up to the steering committee to discuss something and then bring it to the Governing Body. Councilmember Sciara expressed frustration in the playground quote escalating, and now seeing more money to expend when no one is even sure how much the playground will be. He said it seems as if the Borough has unlimited capital resources but these are in hard times, and things have to be done one at a time. Councilmember Sciara said the soft costs seem to be hidden from the Council. He feels someone must know these costs. Mayor Birkner asked who. Councilmember Sciara noted costs have increased on the playground. Council President Miller expounded that first it was \$72,000, then \$123,000, and now \$230,000. That was exceptionally frustrating. Mayor Birkner said the grant of \$113,000 was a matching grant. Council President Miller said they asked the cost, and it progressed from 72 to 123 to 230 several days later. Mayor Birkner pointed out the cost is based on quotes from the vendor. Mr. Hoffmann said quotes are for informational purposes and can be discussed at the next council meeting. Councilmember Waneck wants everything at once from the steering committee. Mr. Hoffmann will send out minutes from all meetings so far once reviewed by the committee for accuracy.

9. Agenda/Public Forum:

Motion to open the Agenda/Public Forum: Councilmember Phayre

Second: Councilmember Sciara

Voice Vote: A voice vote was taken with all present voting in the Affirmative.

No one wished to be heard.

Motion to close the Agenda/Public Forum: Council President Miller
Second: Councilmember Sciara
Voice Vote: A voice vote was taken with all present voting in the affirmative.

10. Presentation of Bills, Financial Reports and Resolutions:

Mayor Birkner advised that the following Resolutions would be enacted in one motion. Councilmembers who wished to remove any Resolution(s) to be voted upon separately, had the opportunity to do so at this time, and said Resolutions would be considered separately.

Resolutions as Consent Agenda:

- a) **Resolution #11 - 108: Bill List & Statement of Cash**
- b) **Resolution #11 - 109: Authorizing the Execution of an Agreement Regarding Block 303 Lot 1**
- c) **Resolution #11 - 110: Use of Veterans' Park for Easy Listening Band's 911 Memorial Concert**
- d) **Resolution #11 - 111: Approval of Friends of the Westwood Public Library Application to Consume Alcoholic Beverages on Public Property**

Motion to adopt resolutions #11-108 through #11-111: Councilmember Phayre
Second: Councilmember Waneck

Roll Call:	Councilmember Grefrath – Absent	Councilmember Phayre - Yes
	Councilmember Quinn – Yes	Councilmember Sciara - Yes
	Councilmember Waneck – Yes	Council President Miller – Yes

11. Resolution #11 - 112: Executive Closed Session II

Motion: Council President Miller Second: Councilmember Quinn

Roll Call:	Councilmember Grefrath – Absent	Councilmember Phayre - Yes
	Councilmember Quinn – Yes	Councilmember Sciara - Yes
	Councilmember Waneck – Yes	Council President Miller – Yes

The time was 11:08

12. Reopen the Meeting:

Motion to reopen the meeting: Councilmember Sciara

Second: Council President Miller

Voice Vote: A voice vote was taken with all present voting in the affirmative.

The time was 11:35 pm.

13. Adjournment:

Motion to adjourn: Councilmember Sciara Second: Councilmember Miller

Voice Vote: A voice vote was taken with all present voting in the affirmative.

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Work Meeting of the Mayor and Council
May 3, 2011

The time was 11:35 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk
Proofed by: Denise Holmes, Deputy Clerk